

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

United States of America
v.

DOUGLAS SPATH

Case No.

20-MJ-1894

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of see attached affidavit in the county of Chester in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Section 2252(a)(4)(B)

Access with Intent to View Child Pornography

18 U.S.C Section 2252(a)(2)

Receipt and Attempted Receipt of Child Pornography

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

/s/ Joshua Conrad

Complainant's signature

Joshua Conrad, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/18/2020

/s/ Timothy R. Rice

Judge's signature

City and state: Philadelphia, Pennsylvania

Hon. Timothy R. Rice, Magistrate Judge

Printed name and title

AFFIDAVIT OF PROBABLE CAUSE

Mag. No. 20-MJ-1894

Your Affiant, Joshua Conrad, a Special Agent with the United States Department of Homeland Security, being duly sworn, deposes and states as follows:

1. I am a Special Agent (“SA”) with the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (“HSI”), assigned to the Special Agent in Charge in Philadelphia, Pennsylvania, and I have been so employed since April 2016. Prior to that, I was assigned to the Special Agent in Charge in El Paso, Texas, since October 2010. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252(a), and 2252A. I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have also participated in the execution of numerous search warrants, a number of which involved child exploitation and/or child pornography offenses.

2. All information contained in this affidavit is based either on my personal knowledge or the knowledge of other law enforcement officers and agents involved with this investigation. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant; I have not included each and every fact known to this investigation.

3. As will be shown below, there is probable cause to believe that Douglas SPATH has committed violations of 18 U.S.C. § 2252(a)(4)(B), access with intent to view child pornography, and 18 U.S.C. § 2252(a)(2), receipt and attempted receipt of child pornography.

BACKGROUND OF THE INVESTIGATION

4. Your Affiant began investigating an online network of chat rooms—referred to here as “Protocol A” chats¹—that were regularly used to share and receive child pornography beginning in May of 2017. Protocol A chats are applications that facilitate communication by text. Protocol A chat rooms are mainly designed for group communication in discussion forums, but can also be used for private, one-on-one communications, data sharing, and file sharing.

5. Your Affiant, while in the Eastern District of Pennsylvania, used an UC1 undercover online identity to join and access multiple Protocol A chat rooms in which potential targets expressed interest in engaging in sexual activities with minors and/or trafficking in sexually explicit depictions of minors.

6. Protocol A hosted a serial network of chat rooms over the course of your Affiant’s investigation. These networks—“Network 1,” “Network 2,” “Network 3,” and “Network 4”—enabled users to post links to images and videos of child exploitation material. Other users could then access and download those images and videos. For example, your Affiant observed a user, “User 1,”² posting links to third-party file-sharing websites. Your Affiant accessed several of these links and confirmed that the links led to child pornography images, including nude prepubescent girls engaged in oral, vaginal, and anal sex with adult men as well as nude prepubescent girls in various poses exposing their vaginas and anuses. User 1 also had a “bot”—a computer program that performs automatic, repetitive tasks—set up to automatically post a link in Chat Room 1 to a third-party file-sharing website once per minute. Most of these links lead to third-party sites containing

¹ Your affiant is referring to the chat room networks as “Protocol A” to protect an ongoing investigation into those networks.

² The real username of User 1 references the sexual exploitation of children. The real username is known to law enforcement but is being anonymized in order to protect the ongoing investigation.

an image or video of prepubescent minors engaging in sexually explicit conduct, much of which your Affiant has downloaded and preserved for evidentiary purposes.

7. On or about April 22, 2018, at approximately 01:06 hours EST, a user was logged into Chat Room 1 on Network 1 under the username “grandad4yng.”³ While grandad4yng was logged in, User 2⁴ posted a link to a third-party website which, when clicked, led to an image of a naked toddler with her legs spread, exposing her vagina. This link was available to all users logged onto Chat Room 1 on Network 1 at the time, including grandad4yng. Your Affiant downloaded this image for evidentiary purposes. Following the post of the link, grandad4yng commented, “Very nice [User 2].” While grandad4yng was logged in, on or about 01:10 hours EST, User 2 posted another link to a third-party website which, when clicked, led to an image of a naked prepubescent girl with her legs spread, exposing her vagina, and an adult male grabbing his penis and ejaculating on the prepubescent female. This link was available to all users logged onto Chat Room 1 on Network 1 at the time, including grandad4yng. Your Affiant downloaded this image for evidentiary purposes.

8. Following the post of the link, grandad4yng commented, “I’d lick that clean [User 2].” While grandad4yng was logged in, on or about 02:01 hours EST, User 1’s bot posted a link to a third-party website which, when clicked, led to an image of a naked prepubescent girl with her legs spread, exposing her vagina and her finger resting just above her vagina. This link was available to all users logged onto Chat Room 1 on Network 1 at the time, including grandad4yng. Your Affiant downloaded this image for evidentiary purposes. Following the post of the link, grandad4yng commented, “Every good little girl needs a good licking and fingering every now and

³ “Yng” is a commonly used online abbreviation of “young” in the world of child exploitation. The abbreviation is used so that other users can identify those with similar interests—in this case, sexual attraction to children.

⁴ The real username of User 2 is known to law enforcement but is being anonymized in order to protect the ongoing investigation.

then!”⁵

9. On or about October 23, 2018, at approximately 01:29 hours EST, grandad4yng was logged into Chat Room 1 on Network 2 from IP address 96.245.204.188. As explained below, this IP address is registered to Douglas SPATH at his home. While grandad4yng was logged in, User 1’s bot posted a link to a third-party website which, when clicked, led to an image of a naked prepubescent girl, standing and exposing her vagina. Following the post of the link, grandad4yng commented, “Nice way to start the day!” This link was available to all users logged onto Chat Room 1 on Network 2 at the time, including grandad4yng. Your Affiant downloaded this image for evidentiary purposes.

10. On or about November 9, 2018, at approximately 03:17 hours EST, while grandad4yng was logged in, User 3⁶ posted a link to a third-party website which, when clicked, led to an image of a topless prepubescent girl laying on a lounge chair and exposing her undeveloped breasts.⁷ This link was available to all users logged onto Chat Room 1 on Network 2 at the time, including grandad4yng. Your Affiant downloaded this image for evidentiary purposes. Following the post of the link, grandad4yng commented, “Is that your little girl? Looks very tasty!”

11. Based on my experience, your Affiant believes that the above chat logs show that the user operating the screenname “grandad4yng” was accessing child pornography images and commenting on them in the chat room. As explained below, further investigation demonstrated that SPATH was using the grand4yng account.

12. In August of 2019, HSI agents executed search warrant on five individuals who had

⁵ Count 1 of the criminal complaint is based on SPATH’s access with intent to view the images described in paragraphs 7 and 8.

⁶ The real username of User 3 is known to law enforcement but is being anonymized in order to protect the ongoing investigation.

⁷ This image does not itself constitute child pornography but is included here to demonstrate grandad4yng’s repeated interest in access of sexual materials depicting children.

acted as either moderators or network administrators for Network 2 and/or Network 3. A review of the forensic material obtained from these search warrants revealed that granddad4yng registered his username to the email address didougspath@yahoo.com and was associated with IP address 96.245.204.188. Records obtained from Verizon for information related to SPATH's IP address showed the following information:

Name: Douglas Spath
Service Address: 739 N Manor Rd. West Nantmeal, PA 19520
Account Number: 0053904222471
Start of Service: 05/19/2005
Email: didougspath@yahoo.com
Current IP Address: 96.245.204.105
IP address from 11/1/2018 - 4/17/2019: 96.245.181.47
IP address from 10/12/2018 – 11/01/2018: 96.245.204.188

13. On or about July 30, 2020, an individual using the nickname "Hornybigrandad" initiated a chat with HSI SA Matthew Kimmel's online undercover identity "UC2."⁸ UC2 was established to access Protocol A chat rooms on Network 4.

14. Hornybigrandad told UC2 that he was sexually active with his granddaughter since she was eight-years-old and is now sexually active with his five and nine-year-old great granddaughters. On or about August 4, 2020 Hornybigrandad asked UC2, in regard to the UC2's six-year old fictitious daughter, "start working on her clt more. do you finger her pussy?" Hornybigrandad stated that he'd been sexually active with minors for years and has helped other couples become sexually active with minors. Then, Hornybigrandad provided the following advice to UC2, "start working on her clit get her really aroused. suck on it gently and rub your tongue over it while sucking it. then wet your finger and work it into her pussy." On or about August 16, 2020, Hornybigrandad stated that he lived in Amish country west of Philadelphia.

15. Chats with Hornybigrandad ended with UC2 around September 4, 2020. On or

⁸ The real username of UC2 is known to law enforcement but is being anonymized in order to protect the ongoing investigation.

about October 4, 2020, SA Kimmel received a message from a user who identified himself as “Grandadbi63.” Although Network 1 masks the hostname of users, the obfuscation of hostnames is a mathematical calculation, similar to a sha256 checksum,⁹ so if the IP address for a particular user stays the same, the unique string of characters representing the IP address would be the same. The unique string for Grandadbi63 was the same as the unique string for Hornybigrandad. Accordingly, your Affiant believes that Hornybigrandad and Grandadbi63 were the same user, utilizing the same IP address.

16. On or about October 6, 2020, in response to UC2 saying “too young for you” during a conversation, Grandadbi63 said, “hehe, never too yng I started with my granddaughter when she was 8. caught her playing with hersel when i was babysitting her. now she had me teach her girls since 3.” On or about October 11, 2020, during a chat with UC2, Grandadbi63 stated, “hold on, here are my two” and then posted a link, which was still active and led to a non-pornographic image that depicted two clothed young girls standing next to each other. One of the girls is significantly taller than the other and appears to be older. Hereinafter, the taller girl will be referred to as POSSIBLE VICTIM 1 (PV1) and the shorter girl will be referred to as POSSIBLE VICTIM 2 (PV2). Grandadbi63 went on to say that he is interested in girls aged 0-9, boys at the age they are starting to “wetcum” and up, as well as k9, which this Affiant believes is a reference to Grandadbi63 being interested in dogs. He also stated that he lives near Philadelphia. On or about October 15, 2020, Grandadbi63 asked UC2 if he wanted to see his two girls and then sent UC2 another link that led to another non-pornographic image of PV1 and PV2.

17. To identify PV1 and PV2, HSI utilized facial recognition technology with the above-

⁹ A checksum is a small-sized datum derived from a block of digital data for the purpose of detecting errors that may have been introduced during its transmission or storage. For example, a file is put through an algorithm to create a checksum for that file, which is a sequence of numbers and letters used to check data for errors. A single character difference in the underlying file produces a very different looking checksum, therefore by comparing checksums, you can confirm your copy is identical.

mentioned photographs to search publicly available online images. This technology identified numerous publicly available photographs on social media profiles as potential matches. A review of the potential matches led SA Kimmel to social media accounts linked to SPATH's family members which included pictures of PV1 and PV2. SPATH used his own social media account to publicly comment on some of these pictures.

18. On or about October 20, 2020, while your Affiant was logged into a chat room on the Network 4 server, SA Conrad observed a user post a link at approximately 1822 hours EST, which was available to all users logged into the chat room at the time. The link led to an image of a prepubescent girl naked from the waist down with her legs spread, exposing her vagina. At approximately 1822 hours EST, Grandadbi63 commented, "nice . . . perfect training age."

19. On or about October 21, 2020, while your Affiant was logged into a chat room on the Network 4 server, SA Conrad observed a user post a link at approximately 16:14 hours EST which was available to all users logged into the chat room at the time. The link led to an image of a naked prepubescent girl being forced to perform oral sex on an adult male. At approximately 16:16 hours EST, Grandadbi63 commented, "thats Tara and her dad."

20. On or about October 22, 2020, while your Affiant was logged into a chat room on the Network 4 server, your Affiant observed a user post a link at approximately 1105 hours EST, which was available to all users logged into the chat room at the time. The link led to an image of a naked prepubescent girl with her legs spread, exposing her vagina. At approximately 1106 hours EST, Grandadbi63 commented, "Nice stuff as usual [.]"

21. Based on this investigation, your Affiant believed that the user of both Grandadbi63 and Hornybigrandad is Douglas SPATH based on the facial recognition linking SPATH to the images of PV1 and PV2. I also believe that SPATH was accessing, viewing, and/or receiving child pornography when he was commenting on the child pornography pictures that were being posted in

the above-described chat room.

THE SEARCH WARRANT

22. On November 18, 2020, at approximately 06:30 AM, your Affiant, along with additional law enforcement investigators, executed a search warrant at SPATH's residence, 739 N. Manor Road in Elverson, PA. Your affiant had confirmed through multiple public records searches that SPATH resided at that address.

23. SPATH was not present at the time of the execution of the search warrant.

24. Several electronic devices were forensically examined on-scene. One item was a black 2 terabyte external hard drive. There were numerous images and videos of child sexual abuse material (CSAM) found on the device, including:

- a. Filename: 013.jpg – Female toddler, naked from the waist down, being vaginally penetrated by adult male penis. The create date of the file is January 15, 2020.¹⁰
- b. Filename: 002.jpg – Naked female toddler performing oral sex on an adult male. The create date of the file is September 15, 2020.
- c. Filename: IMG-1157~Photo.PNG – Female toddler, naked from the waist down with the camera focused on her vagina. The create date of the file is October 27, 2020.
- d. Filename: 5fadc8af_5f296f3a_Brooklyn_1477248947548.mp4 – a one minute and twenty-four second video involving a pre-pubescent female performing oral sex on an adult male. The create date of this file is November 15, 2020.

25. Based on my training and experience, your Affiant knows that the “create date” of a file located on an external hard drive is the date that the file was received and uploaded to that device. As described more fully below, your Affiant spoke with SPATH on November 18, 2020. During that conversation SPATH stated that when he downloaded child pornography from the internet, he saved the images and videos directly to his external hard drive. Accordingly, there is

¹⁰ Count Two of the criminal complaint is based on receipt of this image.

probable cause to believe that the “create dates” listed above are the dates that he received the above-described images and video.

26. Agents encountered SPATH at the Chester County Nissan Dealership located at 200 W. Lincoln Highway, Exton, PA 19341. Agents identified themselves and asked SPATH if he would be willing to speak to agents in SA Reinhold’s vehicle and SPATH consented. Your Affiant advised SPATH that he was not under arrest and was free to leave at any time. SPATH acknowledged that he understood he was speaking to agents voluntarily. SPATH admitted to using the usernames Grandad4yng, Hornybiggrandad, Grandadbi63 on multiple Protocol A networks to include Network 1, Network 2, and Network 4. SPATH admitted to downloading child pornography from links posted to the Protocol A networks. SPATH stated that he was interested in females of all ages to include infants and toddlers. SPATH stated he was attracted to their innocence. SPATH also stated that he was interested in boys five years old and older. SPATH also admitted to having and using the email address didougspath@yahoo.com to register a Protocol A username on Network 2.

CONCLUSION

27. Based on the aforementioned information, your Affiant respectfully submits that there is probable cause to believe that Douglas SPATH violated 18 U.S.C. § 2252(a)(4(B), access with intent to view child pornography and 18 U.S.C. § 2252(a)(2), receipt and attempted receipt of child pornography, as more fully set forth in Attachment A.

28. In consideration of the foregoing, your Affiant respectfully requests that this Court issue a warrant for the arrest of Douglas SPATH.

Respectfully submitted,

/s/ Joshua Conrad
JOSHUA CONRAD
Special Agent, HSI

Subscribed and sworn before me
this 18th day of November, 2020.

/s/ Timothy R. Rice
HONORABLE TIMOTHY R. RICE
United States Magistrate Judge